IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 12203 of 2006(C)

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PETITIONERS:

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1. ALL KERALA TEXTILE WORKERS AND STAFF FEDERATION, HANTEX PROCESS HOUSE UNIT, BALARAMAPURAM, REG.NO.423/1983, NANDANCODE, THIRUVANANTHAPURAM REP. BY ITS PRESIDENT.

2. K.BAHULEYAN, AGED 54, S/O.V.KUTTAN PANICKER, SREE SADANAM, BALARAMAPURAM, UNSKILLED WORKER, HANTEX PROCESS HOUSE, BALARAMAPURAM.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.K.B.SUJAI KUMAR

RESPONDENTS:

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1. MANAGING DIRECTOR, KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO. H.232, THIRUVANANTHAPURAM.

2. GENERAL MANAGER, HANTEX PROCESS HOUSE, PAPPANAMCODE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI. M.K.CHANDRAMOHAN DAS, SC HANTEX

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.12203 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the list of 20 members of the Union including the 2nd petitioner.

Ext.P2: Copy of the Notice of R2 dtd.13.6.91.

Ext.P3: Copy of the order dtd.5.1.2001 of R1.

Ext.P4: Copy of the anomalies rectification order dated 19.8.02 issued by R1.

Ext.P5: Copy of the judgment in O.P.No.2425/01 dtd.18.9.02 filed by the petitioners.

Ext.P6: Copy of the common judgment in R.P.No.202/04 in OP No.34265/02 and CCC 1179/03 dtd.17.10.05.

Ext.P7: Copy of the Notice dtd.24.4.06 along with pay re-fixatin order of R2.

Ext.P8: Copy of the letter of R1.

-True Copy-

P.A.to Judge.

**S. SIRI JAGAN, J.**

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**WP(C) NO.12203 OF 2006 - C**

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**Dated this the 27th day of March, 2007**

**J U D G M E N T**

The dispute raised by the petitioners in this case is regarding the fixation of scale of pay of semi skilled workers represented by the first respondent and consequential recovery of excess amount allegedly due from them. Since the petitioners have an effective alternate remedy by way of raising a dispute under Section 69(1) of the Kerala Co-operative Societies Act read with sub-section 2(d) thereof, I am of the opinion that the petitioners should approach the Arbitration Court under Section 69 of the Kerala Co-operative Societies Act (for short 'the Act') for redressal of their grievances, especially since the matter involves ascertaining of facts on evidence.

2. In the above circumstances, without prejudice to such rights of the petitioners, the writ petition is closed. If the petitioners file a dispute under Section 69 of the Act within a period of one month from today, the Arbitration Court shall consider the same on merits without objection regarding

limitation and pass appropriate orders. Since there was an order of stay in this writ petition, the same will continue for a period of one month so as to enable the petitioners to file an arbitration dispute.

**S. SIRI JAGAN,**
**Judge**

Mbs/

**K.THANKAPPAN, J**

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Crl.Appeal NO. OF 2001

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J U D G M E N T

DATED:13-02-2007